

SENATE BILL NO. 67.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 13, 1903.

To the Secretary of State:

I disapprove and transmit herewith Senate bill No. 67, entitled "An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining and paying the expenses of the same."

I submit the following reasons for this action:

This bill would impose upon the State the responsibility and two-thirds of the expense for maintaining local quarantine—a duty which heretofore has been, and under existing law, is now borne by the county where such quarantine may be declared.

In cases of emergency, the present law confers ample authority upon the Governor and State Health Officer to declare and maintain quarantine anywhere in the State whenever in the opinion of the State Health Officer it becomes necessary. (See Article 4324, Revised Statutes.) This authority has heretofore been exercised when occasion demanded. In 1897, when cases of yellow fever were found in Beaumont, Houston and Galveston, the State Health Officer (Dr. Swearingen) took charge of the situation, and declared quarantine. In 1898, the same was done by Dr. Blount in a case of yellow fever at Galveston. In 1899 he took charge of and quarantined against Laredo, on account of smallpox in that city. He also, in the same year, sent an inspector to Robertson county, and quarantined against smallpox in that county. It has been found that the counties, through their local authorities in ordinary cases, on their own account and for the sake of self-preservation, have usually acted promptly and, as the statute which this bill seeks to amend contemplates, met the necessary expenses to protect the health of their people. Smallpox has been prevailing more or less in many parts of Texas and other States in the Union for five years. It has been a physical impossibility, as I am advised, for our State Health Officer to even send inspectors to many places when requested. The demands upon it for such service have been of frequent occurrence, and to comply with all of which would necessitate the employment of numerous inspectors at great expense. The office has not even been furnished with an Assistant Health Officer.

The bill provides that the State Health Officer shall, upon the application of the county commissioners court, or in given cases upon the application of a certain number of citizens, go at once or send an assistant to the place sought to be quarantined, and either by himself or through his assistant, maintain the quarantine. Since, as stated, the State Health Officer has no assistant, it must be manifest that it would be impossible to comply with the provisions of this bill, especially if quarantine should be necessary at more than one place at the same time, which it is reasonably probable would be the case.

I am advised that to carry out the provisions of this bill it would require for the first year an expenditure of at least a quarter of a million of dollars, while the entire appropriation heretofore made for our Quarantine Department has not, as a rule, exceeded \$50,000. Perhaps not over \$5,000 of this amount has at any time been available for such purposes as this bill contemplates.

It is believed that where dangerous and contagious diseases make their appearance in any county or city, it is the duty of such county or city to take all necessary steps as now provided by law for the control and eradication of such diseases, and to protect the health of their people, as far as it is possible to be done, and to meet the expenses of local quarantine. Counties and cities can hardly expect the State to do for them what they should primarily do for themselves. Whatever they can not do for themselves and whatever ought to be done for them, the State should not, if able, hesitate to do.

Local self-government imposes some duties and responsibilities which can not be evaded and should not be borne by the State. The extremity of the county and city is the opportunity of the State. In any case where a dangerous or contagious disease ceases to be local or threatens to become general, or the public health of the State is imperiled, or any special exigency arises, it may be safely assumed that the existing law will be sufficient to enable the health officer hereafter, as it has done in the past, to do whatever may be needed to avert any public menace to the health of the people. The chief purpose of this bill seems to be to transfer local and usual responsibility and expense which should be assumed and borne by counties and cities and place them upon the State. It also has a tendency to supplant local self-government, and might cause resentment on the part of

communities against interference by the State.

After thorough consideration, I conceive it to be my duty to veto this bill, and the same is now done.

S. W. T. LANHAM,
Governor.